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# **HIGHLANDS PRESERVATION AREA APPROVAL FEE SCHEDULE 9/23/04**

## **HIGHLANDS PRESERVATION AREA APPLICABILITY DETERMINATION AND WATER QUALITY MANAGEMENT PLAN CONSISTENCY DETERMINATION**

The fee to determine whether a proposed development is regulated under or exempt from the Highlands Water Protection and Planning Act and whether such development is consistent with the applicable Water Quality Management Plan shall be \$500.00. This fee does not apply to projects for which there was a DEP application pending on the date of enactment or projects that received DEP approvals between March 29, 2004 and August 10, 2004.

Please make Fee Payment payable to: **“Treasurer, State of New Jersey”**

For additional information on the requirements for a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination Application Form please access the Division of Watershed Management webpage at <http://www.nj.gov/dep/watershedmgt/> or the Highlands webpage at [www.nj.gov/dep/highlands/](http://www.nj.gov/dep/highlands/).

## **HIGHLANDS PRESERVATION AREA WATER SUPPLY REVIEW**

All applicable fees for water diversion permits and registrations shall be paid in accordance with the fee schedule established as specified below:

Any person who applies for a new permit or a major modification of an existing permit shall submit, along with the application, the applicable initial or modification fee based on the class of the allocation listed below. An applicant for a permit shall be placed in the appropriate class below based on the total amount of the approved monthly allocation, based upon a 31 day month:

### 1. Initial Application, Major Modification, and Annual (water purveyor, remediation activity, or allocation =50% Consumptive Use) Permit Fee Classes

- i. Class 1: 1.55 mgm to less than 15.5 mgm;
- ii. Class 2: 15.5 mgm to less than 31.0 mgm;
- iii. Class 3: 31.0 mgm to less than 62.0 mgm;
- iv. Class 4: 62.0 mgm to less than 155 mgm;
- v. Class 5: 155.0 mgm to less than 310.0 mgm; and
- vi. Class 6: 310.0 mgm and above.

2. Annual (Non-purveyor allocation >50% Non-potable and >50% Consumptive) Permit Fee Classes

- i. Class 1C: 1.55 mgm to less than 6.2 mgm;
- ii. Class 2C: 6.2 mgm to less than 9.3 mgm;
- iii. Class 3C: 9.3 mgm to less than 12.4 mgm;
- iv. Class 4C: 12.4 mgm to less than 15.5 mgm;
- v. Class 5C: 15.5 mgm to less than 18.6 mgm; and
- vi. Class 6C: 18.6 mgm and above.

For the purpose of assessing the fees, the following shall apply:

1. If any ground water diversion in excess of 1.55 million gallons per month is included in a permit, the initial application or major modification fee for the permit shall be computed using the ground water schedule, accounting for the total monthly allocation from all sources within the scope of the permit. Except as provided at 3 below, the annual fee shall be computed using the ground water schedule;

2. A diversion from a pond fed primarily by ground water is considered a ground water diversion; and

3. For a non-purveyor allocation of which more than 50 percent is approved for non-potable purposes and of which more than 50 percent is a consumptive use, the annual fee for the permit shall be based upon the source of the largest component of the monthly allocation, accounting for the total allocation from all sources within the scope of the permit, and computed using the fee schedule set forth below

Any hearing costs shall be paid by the applicant in full upon issuance of the permit. If the application has been withdrawn after the public hearing or if the application is denied, the hearing costs shall be paid by the applicant on or before the specified due date of the invoice.

1. Initial application and permit modification fees (\$):

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
i. Surface water diversions	5,745	6,470	8,345	14,385	15,715	17,050
ii. Ground water diversions	7,190	8,070	10,425	17,980	19,585	20,915
iii. Ground and surface water diversions in which waters are returned undiminished to the source	3,430	4,590	5,745	6,905	7,970	9,040
iv. Dewatering diversions	6,985	6,985	6,985	17,850	17,850	17,850

2. Annual fees (\$) for water purveyor, remediation activity, or allocation =50% consumptive use:

	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Class 4</u>	<u>Class 5</u>	<u>Class 6</u>
i. Surface water diversions	2,770	3,245	5,560	9,585	12,250	14,915

ii. Ground water diversions	3,725	4,305	6,945	11,990	14,655	17,320
iii. Ground and surface water diversions in which waters are returned undiminished to the source	1,215	1,990	3,830	4,605	5,380	6,145

iv. Dewatering diversions	3,620	3,620	3,620	11,900	11,900	11,900
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3. Annual fees (\$) (non-purveyor allocation >50% non-potable and >50% consumptive use)

	<u>Class 1</u>	<u>Class 2C</u>	<u>Class 3C</u>	<u>Class 4C</u>	<u>Class 5C</u>	<u>Class 6C</u>
i. Surface water						
(1) Storm water capture	3,300	3,630	3,995	4,395	4,830	5,315
(2) Stream, high-flow skimming	3,960	4,355	4,790	5,270	5,795	6,375
(3) Direct surface water diversions	8,420	9,625	10,190	11,210	12,330	13,565
ii. Ground water						
(1) Unconfined aquifer diversions	8,420	9,265	10,190	11,210	12,330	13,565
(2) Confined aquifer diversions	10,105	11,115	12,225	13,450	14,795	16,275

iii. In addition to the annual fees applicable for Class 6C in 3i and ii above, an additional consumption fee of \$2,500 for each 3.1 mgm increment in allocation over 18.6 mgm shall be charged; however, in no case shall the annual fee for any one permit in Class 6C exceed \$35,000.

Fees for water use registrations within the Highlands shall be charged as follows:

1. Any person with the capability to, but who does not, divert more than 50,000 gallons per day, shall, along with a completed registration form, submit to the Department an initial registration fee of \$400.00.

2. Each person who holds a valid water use registration shall pay an annual fee of \$200.00.

The Department will send to each permittee or water use registrant an invoice for the next subsequent calendar year's annual fee by December 31 of each calendar year.

Each permittee or water use registrant shall remit the annual fee by March 1 of the calendar year for which the fee is due.

Payments for Water Supply Applications shall be by check or money order made payable to **"Treasurer, State of New Jersey"** and mailed, with the invoice, by the due date set forth in (a) above to:

NJ Department of Treasury  
Division of Revenue  
P.O. Box 417  
Trenton, NJ 08046-0417

For additional information on the requirements to acquire a water supply allocation permit please access the Water Supply Allocation Rules (N.J.A.C. 7:19-1.1 et seq.) in the Water Supply Administration webpage at <http://www.nj.gov/dep/watersupply/> or at the Highlands webpage at [www.nj.gov/dep/highlands/](http://www.nj.gov/dep/highlands/)

**HIGHLANDS PRESERVATION AREA  
LAND USE REGULATION PROGRAM REVIEW**

For all projects within the Highlands Preservation area fees shall be as follows:

1. The fee for a review of a Highlands Preservation Area Letter of Interpretation pursuant to N.J.A.C. 7:7A-3 shall be \$500.00 plus \$100.00 per acre of the entire site. This Letter of Interpretation is for all property sizes. The Department will not issue a Presence/Absence, Footprint of Disturbance or Delineation under an Acre Letters of Interpretation. All lots of any size will be reviewed in accordance with the provision of a Letter of Interpretation under the Highlands Water Protection and Planning Act.
2. The fee for the review of a Land Use Regulation element of a Highlands Preservation Area Approval shall be \$1,000.00 plus \$100.00 per 1/10<sup>th</sup> of an acre disturbed on the site. Where applicable, the additional fees listed below also apply.

**For all projects within the Highlands Preservation area which propose disturbance within Freshwater Wetlands, Freshwater Wetland Transition Areas or State Open Waters, as regulated pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) the following additional fees apply:**

- a. The fee for the review of activities within the Highlands Preservation area pursuant to N.J.A.C. 7:7A-5, also known as general permit activities, shall be \$500.00 for the first and \$200.00 for each additional general permit reviews with a completed Letter of Interpretation or \$1000.00 for the first and \$400.00 for each additional general permit review without a completed Letter of Interpretation.
- b. The fee for the review of activities within the Highlands Preservation area pursuant to N.J.A.C. 7:7A-6.3(e), also known as special activity transition area waiver for linear development, shall be as follows:
  - i. Projects with a completed Highlands Letter of Interpretation, either delineating or confirming the wetlands boundary.
    1. For a property or right-of-way of one acre or less the fee is \$200.00;
    2. For a property or right-of-way over one acre the fee is \$500.00 plus \$40.00 per acre, or any fraction thereof, of the standard transition area proposed to be modified.

- ii. Projects with a Letter of Interpretation identifying only the presence or absence of wetlands, State open waters and/or transition areas or for Projects without a Highlands Letter of Interpretation. The acreage figures are based on the size of the project site. For a property or right-of-way of any size, the fee is \$900.00 plus \$120.00 per acre, or any fraction thereof, of the total property.
- c. The fee for the review of activities within the Highlands Preservation area pursuant to N.J.A.C. 7:7A-7, also known as individual permit activities, shall be \$2,000.00 plus \$200.00 per one-tenth acre, or any fraction thereof, of the freshwater wetlands and/or State open waters to be affected by the proposed activity.

**For all projects within the Highlands Preservation area which propose disturbance within the areas regulated under the Flood Hazard Area Control Act rules (N.J.A.C. 7:13) following additional fee applies:**

The fee for stream encroachment reviews is calculated by adding the separate fees for each project element. There are two types of project elements: major and minor.

d. Major Stream Encroachment Reviews.

Major stream encroachment elements are \$4,000.00 each and include the following:

- i. Bridges and culverts. (Note: if associated with one single-family house, the review fee is reduced to \$2,000.00 for the bridge or culvert and \$800.00 for net-fill calculations if necessary.)
- ii. Retaining walls more than 4 feet high and 100 feet long
- iii. Detention basins located within the flood plain.
- iv. Channel improvements and relocations (unless within 300 feet of a new bridge or culvert, in which case the fee paid for the bridge or culvert also includes the review of the channel modifications.)
- v. Establishment of stream encroachment lines based on hydrologic and hydraulic calculations.(Each 1,000 feet of stream, or segment thereof, is a major element.)
- vi. Review of net-fill calculations (unless associated with a perpendicular stream crossing, in which case the fee paid for the bridge or culvert also includes the review of net-fill calculations.)
- vii. In addition, the following projects are always major stream encroachment permits, regardless of any other project element. If such a project already has a major element, then no additional fee is required beyond the sum of the various elements. However, if no major element is present, then a major fee will be applied in addition to any minor elements for the following projects.
  - 1. Any commercial development where the applicant owns or controls more than 1 acre within the floodplain.
  - 2. Any residential subdivision of more than 10 acres, regardless of the area within the floodplain.

e. Minor Stream Encroachment Reviews

Minor stream encroachment elements are \$600.00 each and include the following:

- i. Storm water outfall structures.
- ii. Utility crossing.
- iii. Footbridges.

- iv. Bridge deck replacements.
- v. Use of, or reference to, a New Jersey Flood Hazard Area delineation (for stream encroachment lines, net-fill or hydraulic calculations, floor elevations, etc.)
- vi. Pond dredging.
- vii. Stream cleanings (unless they are submitted under the provisions of the Stream Cleaning Act, in which case there is no review fee.)
- viii. Stream bank stabilization projects at grade.
- ix. Stream channel modifications less than 100 in length, and stream bank reestablishment or protection projects, (if the department agrees that no review of hydrologic or hydraulic calculations is necessary.)
- x. Retaining walls no more than 4 feet high and less than 100 feet long.
- xi. The construction of one single-family house (even if net-fill calculations are necessary.)
- xii. Minor grading or other work within the flood plain that meets the net-fill limitations by inspection (if the department agrees that no review of net-fill calculations is necessary.)
- xiii. Replacements or extensions of existing bridges or culverts (if the department agrees that no review of hydrologic or hydraulic calculations is necessary.)

Please make Fee Payment for Land Use Regulation Program review payable to: **“Treasurer, State of New Jersey”**

For additional information on the requirements to acquire the final or Land Use Regulation element of Highlands Preservation Area Approval please access the relevant regulations (i.e. Freshwater Wetlands Protection Act Rules for projects proposing disturbances to wetlands, or their transition areas, or State Open Waters or the Flood Hazard Area Control Act rules for projects that propose disturbance to the floodplains or watercourses) at Land Use Regulation Program webpage at <http://www.nj.gov/dep/landuse/> or at the Highlands webpage at [www.nj.gov/dep/highlands/](http://www.nj.gov/dep/highlands/).